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8 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 909-A

11 **FIRAS A. JANDALI**
12 930 Dwight Way, Suite 10A
Berkeley, CA 94710-2560
13 Civil Engineer License No. C 38284
14 Structural Engineer License No. S 3031

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. David E. Brown (Complainant) brings this Accusation solely in his official capacity
19 as the Executive Officer of the Board for Professional Engineers and Land Surveyors,
20 Department of Consumer Affairs.

21 2. On or about September 5, 1984, the Board for Professional Engineers and Land
22 Surveyors issued Civil Engineer License Number C 38284 to Firas A. Jandali (Respondent). The
23 Civil Engineer License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on March 31, 2011, unless renewed.

25 3. On or about February 26, 1988, the Board for Professional Engineers and Land
26 Surveyors issued Structural Engineer License Number S 3031 to Firas A. Jandali (Respondent).
27 The Structural Engineer License was in full force and effect at all times relevant to the charges
28 brought herein and will expire on March 31, 2011, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board for Professional Engineers and Land Surveyors (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 6775 of the Code states, in pertinent part, that "[T]he board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:

...

(c) Who has been found guilty by the board of negligence or incompetence in his or her practice.

(d) Who has been found guilty by the board of any breach or violation of a contract to provide professional engineering services.

...

"(h) Who violates any provision of this chapter."

6. Section 6749 of the Code states:

"(a) A professional engineer shall use a written contract when contracting to provide professional engineering services to a client pursuant to this chapter. The written contract shall be executed by the professional engineer and the client, or his or her representative, prior to the professional engineer commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:

(1) A description of the services to be provided to the client by the professional engineer.

...

(3) The name, address, and license or certificate number of the professional engineer, and the name and address of the client.

(4) A description of the procedure that the professional engineer and the client will use to accommodate additional services.

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1 (5) A description of the procedure to be used by any party to terminate the contract.

2 ... "

3 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
4 administrative law judge to direct a licensee found to have committed a violation or violations of
5 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
6 enforcement of the case.

7 8 **DELAWARE STREET PROJECT**

9 8. Respondent prepared a drawing, S1.0, dated April 16, 2003, and a site plan, A1.0,
10 dated April 16, 2003, for submittal to the City of Berkeley for new foundations and basement
11 remodeling at 1187 Delaware Street, Berkeley California ("Delaware Street project"). Site Plan,
12 Sheet A1.0 indicated that the side yard set backs, to the structure at 1187 Delaware Street, were 3
13 feet and 5 feet, with the rear lot dimension shown as 27 feet, six inches. These dimensions were
14 incorrect according to existing record documents and were verified to be incorrect following a
15 survey of the property performed on or about March 30, 2004. Respondent failed to consider that
16 the Assessor's Parcel Map for APN 058-2130 indicated the width of the property was 25 feet and
17 incorrectly assumed that the existing house was within the lot's property line.

18 **FIRST CAUSE FOR DISCIPLINE**

19 (Negligence)

20 9. Respondent is subject to disciplinary action under section 6775(c) in that Respondent
21 did not use the care ordinarily exercised in like cases by duly licensed professional engineers in
22 good standing in that the property line dimensions shown on the plans prepared for the Delaware
23 Street project, as signed and sealed by Respondent, were inaccurate and erroneous according to
24 the existing site conditions and record information as more fully described in paragraph 8 above.

25 **SPARROW PROJECT**

26 10. On or about May 5, 2005, Respondent, as principal for JEDCO Consulting Engineers,
27 Inc., entered a contract with Robert and Arlene Sparrow and to provide architectural drawings for

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1 a four (4) unit residential project located at 7250 Dairy Avenue, Newark, California ("Sparrow
2 project"). Respondent agreed to perform the following services:

- 3 • Complete the Submittal Plans for the Residences
- 4 • Complete the Civil Engineering Plans for the Residences.
- 5 • Coordinate with the City/County to Obtain the Construction Permit.

6 Between May 2005 and December 2005, Respondent prepared drafts of Architectural Plan
7 Sheets, Electrical Plan Sheets and Structural Plan Sheets for the Sparrow project. On or about
8 January 26, 2006, Respondent wrote to the Sparrows that drawings prepared by Respondent on
9 December 28, 2005, were "complete."

10 **SECOND CAUSE FOR DISCIPLINE**

11 (Negligence and/or Incompetence)

12 11. Respondent is subject to disciplinary action under section 6775(c) in that Respondent
13 did not use the care ordinarily exercised in like cases by duly licensed professional engineers in
14 good standing, in that Respondent was negligent and/or incompetent in providing services to the
15 Sparrows because Respondent's drawings lacked the proper effort, care, technical content and
16 coordination required to obtain a public agency permit for the contemplated work. Specifically,
17 Respondent's drawings dated December 28, 2005, lacked the following:

- 18 a. Existing water, sanitary sewer, storm drainage, electrical, telephone and cable TV
19 utilities were not shown within the public right-of-way on Dairy Avenue.
- 20 b. Proposed on-site utilities were not shown on the drawings for providing service to the
21 new four (4) residential units.
- 22 c. There was no evidence or notations on the civil and structural drawings that plumbing
23 and mechanical facilities were coordinated with the civil drawings.
- 24 d. Existing elevations at the property lines and proposed design grades for on and off-
25 site civil improvements were not shown on the drawings.
- 26 e. Respondent failed to address several items outlined in the City of Newark's letter
27 dated August 11, 2004 (preliminary plan review) on the civil and structural drawings.

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1 f. Respondent failed to address several items outlined in the City of Newark's letter
2 dated August 17, 2005 (third review) on the civil and structural drawings. In addition, comments
3 and requirements outlined by the City's Engineering Division related to the site plan were not
4 entirely addressed.

5 g. The drawings contained Respondent's engineer seal, but were not signed.

6 **THIRD CAUSE FOR DISCIPLINE**

7 (Breach of Contract)

8 12. Respondent is subject to disciplinary action under section 6775(d), in that Respondent
9 breached his contract with the Sparrows by failing to provide the services under the contract by
10 his negligent and/or incompetent conduct as described in paragraphs 10 and 11 above.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 (Unprofessional Conduct)

13 13. Respondent is subject to disciplinary action under section 6775(d) and/or (h), in that
14 Respondent failed to comply with sections 6749(a)(1), (3), (4) and (5) in his contract with Ronald
15 W. Sparrow and Arlene Bell-Sparrow, dated April 30, 2005, and accepted and signed by the
16 Sparrows on May 5, 2005, as follows:

17 a. Respondent failed to properly define the scope of work to be performed, in violation
18 of 6749(a)(1).

19 b. Respondent failed to include his license number on the written contract in violation of
20 6749(a)(3).

21 c. Respondent failed to include in the written contract a description of the procedure to
22 be used to accommodate additional services, in violation of 6749(a)(4).

23 d. Respondent's written contract failed to describe the procedure to be used by the
24 parties to terminate the contract, in violation of 6749(a)(5).

25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a
28 decision:

1. Revoking or suspending Civil Engineer License Number C 38284, issued to Firas A. Jandali;
2. Revoking or suspending Structural Engineer License Number S 3031, issued to Firas A. Jandali;
3. Ordering Firas A. Jandali to pay the Board for Professional Engineers and Land Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
4. Taking such other and further action as deemed necessary and proper.

DATED: 7/2/10

Original Signed

~~DAVID E. BROWN~~

Executive Officer

Board for Professional Engineers and Land Surveyors

Department of Consumer Affairs

State of California

Complainant

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